

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:
BERNARD FREDERICK REIKE, JR.
aka BERNIE F. REIKE, JR.
Debtor.

Chapter 13
Case No. 17-24877-BEH

OBJECTION TO MOTION BY FEDERAL NATIONAL MORTGAGE ASSOCIATION
("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE
LAWS OF THE UNITED STATES OF AMERICA FOR THE RELIEF FROM AUTOMATIC
STAY AND ABANDONMENT
RE: PROPERTY LOCATED AT:
27113 112TH Street, Trevor, Wisconsin 53179-9686

Debtor Bernard (Bernie) Reike Jr. by and through his Attorney James F. Lisowski Sr. of Upright Law hereby files his objection to the Instant Motion for Relief of Stay and in support thereof alleges and states as follows;

1. Debtor filed his Chapter 13 Bankruptcy Petition on May 16, 2017 and an Order for Relief was entered.
2. Post-petition Debtor received correspondence directly from the Movant indicating what his new mortgage payment would be and that his first payment would be due August 1, 2017 (see Attached Exhibit A).
3. Relying in good faith on this correspondence from the Movant, debtor tendered three payments on the subject property for the months of August, September and October (see Attached Exhibit B).
4. Until the filing of this Motion Debtor was unaware that Movant was seeking additional post-petition payments from the Debtor.

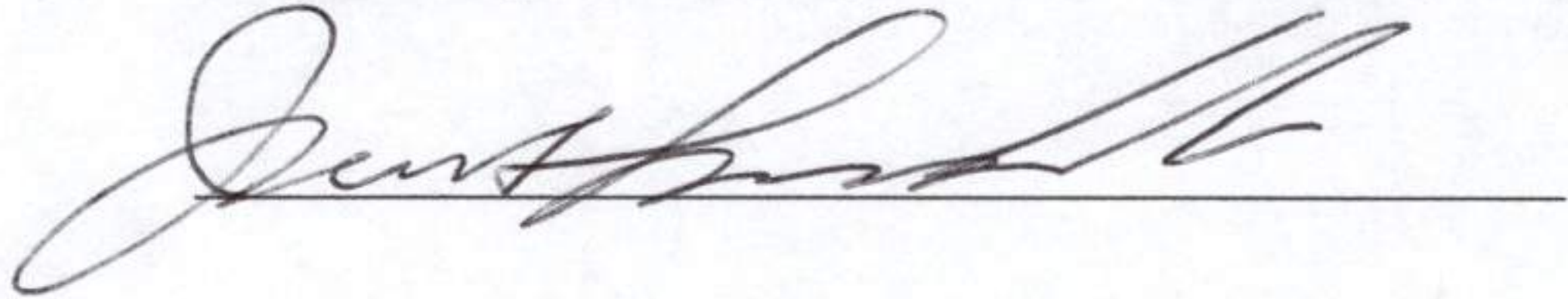
5. Debtor is willing to Amend the Chapter 13 plan to include any reasonable post-petition averages on this Mortgage.

6. The Debtor should not be punished by losing his home of twenty years based on his detrimental reliance on the post-petition mortgage notice sent directly to him by the Movant.

7. The Debtor further contends that any alleged missed payments do not amount to cause under 11 USC §§ 362(d) for purposes of lifting the stay. Debtor has acted in good faith, made three payments and is willing to make up any additional post-petition arrearages. Movant has and continues to be adequately protected.

Wherefore Debtor respectfully request that the Movant's Motion be denied: that in the alternative that a hearing be set by the Court on this matter: and for any other relief the Court may so grant.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'James F. Lisowski Sr.', is written over a horizontal line.

James F. Lisowski Sr.

Upright Law

Bar No. 1020823

4810 S. 76th Street

Suite 203

Greenfield, WI 53220

(414)526-9552

UNITED STATES BANKRUPTCY COURT
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In re:
BERNARD FREDERICK REIKE, JR.
aka BERNIE F. REIKE, JR.
Debtor.

Chapter 13
Case No. 17-24877-BEH

CERTIFICATE OF SERVICE

I hereby certify on October ___, 2017 the Debtor's Objection to Relief of Automatic Stay Filed by the National Mortgage Association ("Frannie Mae") in this case was electronically filed with the Clerk of Court and served upon the following parties using the ECF system.

Office of the U.S. Trustee

Scott Lieske Chapter 13 Trustee

D. Alexander Martin

I further certify that I have mailed by the United States Postal Service, first class postage prepaid to the same participant.

D. Alexander Martin

O' Dess and Associates S.C.

1414 Underwood Ave, Suite 403

Wauwatosa, WI 53213

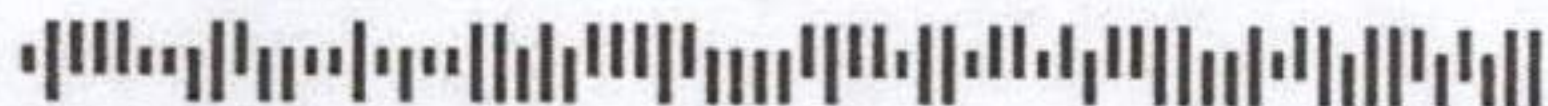
Dates at Greenfield, Wisconsin this ___ day of _____ 2017.

James F. Lisowski Sr.

Exhibit A

8-769-24436-0000341-001-1-000-000-000-000

L913



BERNIE F REIKE
27113 112TH ST
TREVOR WI 53179-9686

ESCROW ACCOUNT STATEMENT			
Analysis Date:		05/19/17	
Loan Number:		28391525	
Current Payment		New Payment Effective 08/01/17	
Principal and Interest	\$579.13	Principal and Interest*	\$579.13
Escrow	\$415.54	Escrow	\$388.32
Total Current Payment	\$994.67	Total NEW Payment*	\$967.45
* The principal and interest payments reflect the contractual amount due under the note, which can be modified with a mutually agreed upon payment plan. In addition, the new principal and interest payment and the total new payment may not reflect any changes due to interest rate adjustments. You will receive a separate notice for interest rate adjustments.			

NEW MORTGAGE PAYMENT NOTICE AND ESCROW ACCOUNT DISCLOSURE STATEMENT

Seterus, Inc. is the servicer of the above referenced loan. In accordance with federal guidelines, your escrow account is reviewed at least once a year to determine if sufficient funds are available to pay your taxes and/or insurance. Your escrow payment will be a minimum of the total anticipated disbursements divided by the number of scheduled installments due in the next 12 months. This payment will increase if you have a post-petition shortage and/or deficiency. This statement provides a history of actual escrow account activity and a projection of the escrow account activity for the next 12 months.

Our records indicate a petition for Bankruptcy was filed on May 16, 2017. Pursuant to that petition, we have filed a proof of claim with the Bankruptcy court. Any shortage and/or deficiency listed under the Proof of Claim section will be excluded from your future scheduled escrow payment as these amounts will be added to your pre-petition arrearage and collected in your bankruptcy plan payment.

ANTICIPATED DISBURSEMENTS		ESCROW ACCOUNT PROJECTIONS FOR THE NEXT 12 MONTH ESCROW CYCLE				
August 2017 to July 2018		Anticipated Activity				
		Payments to Escrow	Payments from Escrow	Description	Projected Balance	
TOWN	\$3,468.81					
FLOOD INS	\$456.00					
HAZARD INS	\$735.00					
Total Disbursements	\$4,659.81					
		Beginning Balance**				\$1,522.94
		Post Petition Beg Bal*				\$2,759.85
		Date				
		08/01/2017	388.32	0.00		3,148.17
		09/01/2017	388.32	0.00		3,536.49
		10/01/2017	388.32	0.00		3,924.81
Bankruptcy File Date	May 16, 2017	11/01/2017	388.32	0.00		4,313.13
		12/01/2017	388.32	3,468.81-	TOWN	1,232.64
		12/01/2017	0.00	456.00-	FLOOD INS	776.64
Pre-Petition Escrow Shortage/Deficiency as of Analysis Date	\$1,236.91	01/01/2018	388.32	0.00		1,164.96
		02/01/2018	388.32	0.00		1,553.28
		03/01/2018	388.32	735.00-	HAZARD INS	1,206.60
		04/01/2018	388.32	0.00		1,594.92
		05/01/2018	388.32	0.00		1,983.24
		06/01/2018	388.32	0.00		2,371.56
		07/01/2018	388.32	0.00		2,759.88
		Total	\$4,659.84	\$4,659.81-		
		The escrow account has a pre-petition shortage and/or deficiency. A deficiency, if applicable, is the amount of negative balance in the escrow account, which can occur when funds that have been paid from the escrow account exceed the funds paid to the escrow account. An escrow shortage occurs when the escrow balance is not enough to pay the estimated items and any additional reserve deposits that need to be paid during the next 12 months. The pre-petition shortage and/or deficiency is accounted for on the proof of claim (POC) and will be collected as part of your pre-petition plan payment.				

*Post Petition Beg Bal = The post-petition portion of the escrow starting balance

**Beginning balance = Starting balance less any unpaid escrow disbursements

Exhibit B



Printed from Chase Personal Online

Check

Front

BERNIE REIKE, JR.
27113 - 112TH ST.
TREVOR, WI 53179-9686

2-1/710 1242

DATE 8-1-17

EXPRESS

PAY TO THE ORDER OF SETERUS \$ 967 ⁴⁵/₁₀₀

NINE HUNDRED SIXTY SEVEN ⁴⁵/₁₀₀

DOLLARS

CHASE

JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO LOAN* 28391525

10710000131 12950610011242

Back

DATE _____

CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

28391525 010 Check 21 - DEP TO JPMC
REGULUS A Setend 859340336 000517
939687 010 939687 1 4 9

The security features listed below, as well as those not listed, exceed industry guidelines.

Features:

- Results of document alteration:
- MR Stamp type & location
- any dotted line over the photo
- any missing Paper
- Stamps or spots may appear as white
- chemical alteration
- Absence of "Original Document"
- to create a false document

Post date

Aug 7, 2017

Check #

1242

Check amount

\$967.45



Check

Front

BERNIE REIKE, JR.
27113 - 112TH ST.
TREVOR, WI 53179-9686

EXPRESS

2-1/710

1246

PAY TO THE ORDER OF

SETERUS

DATE 9-1-17

\$ 967 ⁴⁵/₁₀₀

NINE HUNDRED SIXTY SEVEN ⁴⁵/₁₀₀

DOLLARS

CHASE

JPMorgan Chase Bank, N.A.

www.Chase.com

MEMO

Loan # 28391525

⑆071000013⑆

129506100⑈1246

Back

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DATE

28391525 001 Check21 - DEP TO JPMC

REGULUS-LA-Seterus 859310336 091617

921712 001 825998 1 6 238

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Key Features:

- MP is mill type in line signatures as dotted line where it is accepted
- Stains or spots may appear on the document
- Appearance of Original Document
- Watermark on back of check

Post date	Check #	Check amount
Sep 18, 2017	1246	\$967.45

FROM: (PLEASE PRINT) PHONE ()
BERNIE RAKE JR
27113 112th ST TREVOR WI
53179



EL 649611707 US



UNITED STATES
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PLEASE PRINT) PHONE ()
ETERUS INC
P.O. Box 54420
OS, ANGELES CA, 90054

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<input type="checkbox"/> 1-Day		<input type="checkbox"/> 2-Day	
<input type="checkbox"/> Military		<input type="checkbox"/> DPO	
PO ZIP Code	Scheduled Delivery Date (MM/DD/YY)	Postage	
53192	10-17-17	\$ 2375	
Date Accepted (MM/DD/YY)	Scheduled Delivery Time	Insurance Fee	COD Fee
10-16-17	<input type="checkbox"/> 10:30 AM <input checked="" type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	\$ -	\$ -
Time Accepted	10:30 AM Delivery Fee	Return Receipt Fee	Live Animal Transportation Fee
1115 <input type="checkbox"/> AM <input type="checkbox"/> PM	\$ -	\$ -	\$ -
Special Handling/Fragile	Sunday/Holiday Premium Fee	Total Postage & Fees	
\$ 7	\$ -	\$ 2375	
Weight <input type="checkbox"/> Flat Rate	Acceptance Employee Initials		
lbs. 3 ozs.	AM		
DELIVERY (POSTAL SERVICE USE ONLY)			
Delivery Attempt (MM/DD/YY)	Time	Employee Signature	
	<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Attempt (MM/DD/YY)	Time	Employee Signature	
	<input type="checkbox"/> AM <input type="checkbox"/> PM		

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Scott Lieske Chapter 13 Trustee

D. Alexander Martin

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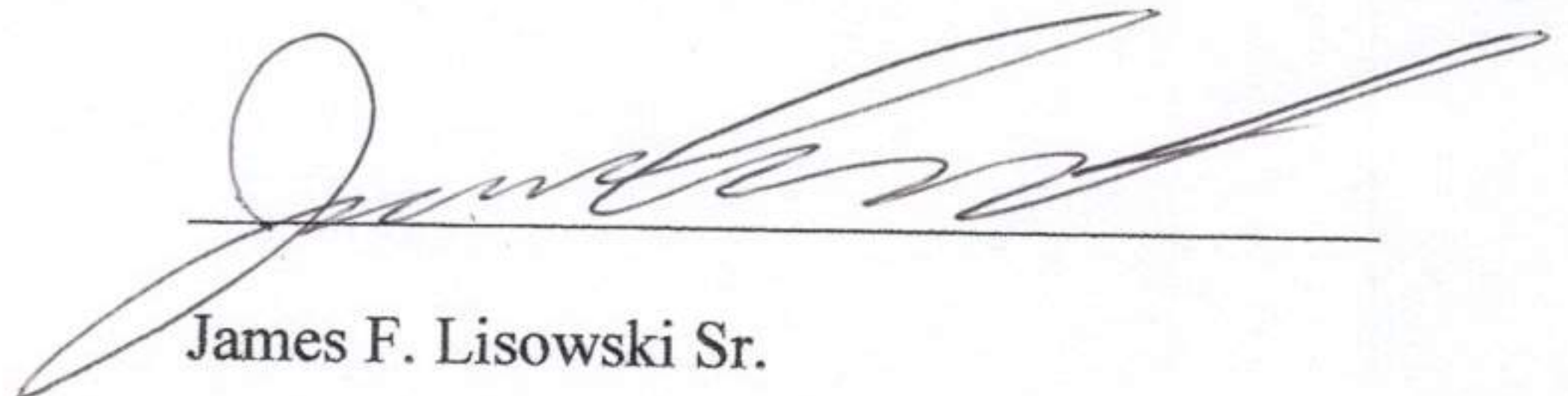
D. Alexander Martin

O' Dess and Associates S.C.

1414 Underwood Ave, Suite 403

Wauwatosa, WI 53213

Dates at Greenfield, Wisconsin this 19 day of October 2017.



James F. Lisowski Sr.